

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

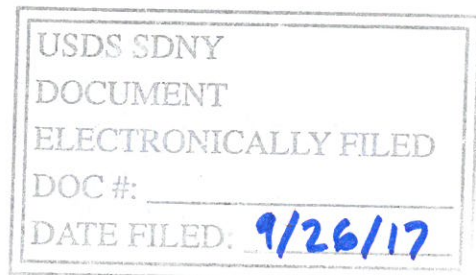
MARTHA MARIA AMARANTE,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.



16-cv-717 (RJS)

ORDER ADOPTING
REPORT AND RECOMMENDATION

RICHARD J. SULLIVAN, District Judge:

On January 29, 2016, pro se Plaintiff Martha Amarante filed this action seeking judicial review of the decision of the Commissioner of Social Security denying her claim for disability insurance benefits and supplemental security income benefits. (Doc. No. 2.) On March 7, 2016, the Court referred this case to the Honorable Barbara C. Moses, Magistrate Judge, for a Report and Recommendation. (Doc. No. 7; *see also* Notice of Redesignation to Another Magistrate Judge dated March 8, 2016.) On August 26, 2016, Defendant filed a motion for judgment on the pleadings (Doc. No. 12), which was unopposed. On September 8, 2017, Magistrate Judge Moses issued a report and recommendation recommending that the Court deny Defendant's motion and remand the case to the Commissioner of Social Security because the Administrative Law Judge failed to (1) give proper deference to the opinion of Plaintiff's treating physician – Dr. Gerardo Tapia – and (2) properly develop the record. (Doc. No. 15.) Magistrate Judge Moses advised the parties that failure to object within fourteen (14) days of the issuance of the order would result in waiver of objections. (*Id.* at 27.) To date, neither party has filed any objections and the time to do so has expired.

“When no objections to a Report and Recommendation are made, the Court may adopt the Report if there is no clear error on the face of the record.” *Correale-Englehart v. Astrue*, 687 F.

Supp. 2d 396, 401 (S.D.N.Y. 2010). After conducting a thorough review of the record, the Court concludes that Magistrate Judge Moses's opinion is not facially erroneous. Accordingly, the Court adopts the Report and Recommendation in its entirety. For the reasons set forth in the Report and Recommendation, the Court denies Defendant's motion for judgment on the pleadings, reverses the judgment of the Administrative Law Judge, and remands this matter to allow the Commissioner to more fully develop the record and properly weigh the opinion of Plaintiff's treating physician.

The Clerk of Court is respectfully directed to terminate the motion pending at docket number 12 and close this case.

SO ORDERED.

Dated: September 26, 2017
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE